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TAGS: [PARM](#) [PREL](#) [CWC](#) [OPCW](#) [CBW](#)
SUBJECT: CWC: GUIDANCE FOR THE 58th SESSION OF THE OPCW
EXECUTIVE COUNCIL (OCTOBER 13-16, 2009)

REFS:

A) 2009 State 064170 (CWC: Guidance on U.S. CW
Destruction for Senior-Level Visit, Week of June 22,
2009),
B) 2009 State 100809 (U.S. Response to Libyan Papers on
Two CWC Implementation Issues).

Summary/Overview

¶1. (U) This document provides guidance for the U.S. delegation to the Fifty-eighth Session of the Organization for the Prohibition of Chemical Weapons (OPCW) Executive Council (EC). The three significant political items on the agenda are: Appointment of a new Director-General, the Draft Program and Budget of the OPCW for 2010, and Efforts by Iran to ensure that the projected U.S. inability to meet the 2012 CW destruction deadline remains a political issue. The agenda is very crowded with routine EC business, and South Africa will seek to add a new agenda item called "Security and Destruction of Chemical Weapons in Situations not Foreseen by the CWC."

¶2. (U) EC Chair Ambassador Lomanaco (Mexico) will likely hold several straw polls in an effort to eliminate the weakest candidates and narrow the field to perhaps 4 or 5 candidates. It is not anticipated that this EC will be able to make a consensus recommendation on a Director-General to the Conference of the States Parties (CSP).

¶3. (U) The draft 2010 budget is a zero-nominal growth budget with few changes from 2009 but opposition by China and India to the slight increase in the total number of inspections is expected to spark the now annual debate on the total number of OCPF industrial inspections. The EC trip report to Pueblo and Umatilla and the separate U.S. 90-day report on the status of our CW destruction activities will provide Iran with a way to raise the 2012 destruction deadline and ensure that the issue remains at the forefront of the EC.

¶4. (U) U.S. Objectives:

-- Work to ensure that Freeman (UK), Gottwald (Germany), and Uzumcu (Turkey) stay in the running as candidates for the next Director-General, while working to eliminate those with the least support first. Prevent support from coalescing around an undesirable candidate;

-- Work to ensure that the EC trip report to Pueblo and Umatilla is noted by the EC. Del should work with the EC Chair and other EC members to ensure that Iran remains isolated, to the extent possible, in their continual quest to make a political issue of the 2012 deadline.

- Work to ensure that the draft OPCW budget remains zero-nominal growth, has a slight increase in the number of OCPF inspections, and is adopted by consensus.
- Work to ensure better understanding of South African intentions, motives and objectives with respect to recovered CW. Del should seek to minimize RSA's ability to make this a political issue and keep it off the EC agenda.

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[Note: Throughout the guidance cable where the EC is requested to note a document, the Del may agree to note it unless otherwise stated. End Note]

Item 5: Status of implementation of the Convention

--5(a): Conversion of chemical weapons production facilities--

15. (U) The EC is requested to consider and note a Note by the Technical Secretariat (TS) on a proposal for general guidelines on the nature of continued verification measures at converted chemical weapons production facilities (CWPFs) ten years after the Director-General's certification of their conversion (EC-56/S/3(asterisk), dated 14 April 2009) and to approve a draft decision on the matter (EC-57/DEC/CRP.1, dated 3 June 2009). Both items were deferred from EC-57 based on a UK request and its concerns with the "one size fits all" guidelines approach proposed by the TS. The UK is continuing to solicit support for this position and will likely request further deferral. We agree with the UK that the TS proposal requires further consideration and are still reviewing it in Washington.

16. (U) The EC is requested to consider and note a Note by the TS on the update on progress in converting a former CWPF for purposes not prohibited under the Convention. The official reference was not available to Washington in advance. However, we do not anticipate any problems with this document. Del should review the document upon release to ensure it is consistent with typical notes of this nature. If not problematic, Del may join consensus to note the Note.

17. (U) The EC is requested to note a Note by the TS on corrections to the general and detailed plans for conversion of the CWPFs Rabta Pharmaceutical Factory 1 and Rabta Pharmaceutical Factory 2, Rabta, the Libyan Arab Jamahiriya (EC-58/S/2, dated 25 September 2009). The United States provided Libya with a consolidated response to Libyan documents supporting the request for corrections to the General and Detailed Plans for Conversion of Chemical Weapons Production Facilities Rabta 1 and Rabta 2, and for extension of the deadlines for destruction of its chemical weapons (Ref. B). The U.S. response included a non-paper defining U.S. expectations on both requests for Libya's future presentations at the EC. The United States has no substantive concerns regarding the two requests and is prepared to support EC agreement to both requests, provided that Libya commits to implement fully the transparency measures previously defined in the non-paper. No substantive action is required on the Note.

18. (U) The EC is requested to note the notification of

changes to the general and detailed plans for the conversion of former CWPFFs "Rabta 1" and "Rabta 2" (EC-58/NAT.6, dated 15 September 2009). No substantive action is required.

--5(b): Progress made in meeting revised deadline for the destruction of chemical weapons--

¶9. (U) The EC is requested to consider and note a Note by the Director-General on the progress made by those States Parties that have been granted extensions of deadlines for the destruction of their chemical weapons. The official reference was not available to Washington in advance. However, we do not anticipate any problems with this document. Del should review the document upon release to ensure it is consistent with typical Notes of this nature. If not problematic, Del may join consensus to note the Note.

¶10. (U) Further to a decision by the CSP at its Eleventh Session (C-11/DEC.15, dated 8 December 2006), the EC is requested to consider and note a national paper by the Libyan Arab Jamahiriya on the status of its destruction activities (EC-58/NAT.4, dated 15 August 2009). No substantive action is required.

¶11. (U) The EC is requested to consider a request by the Libyan Arab Jamahiriya for extension of the intermediate and final deadlines for the destruction of its Category 1 chemical weapons (EC-58/NAT.5, dated 24 August 2009), and to approve a recommendation on this request for consideration by the CSP at its Fourteenth Session (EC-58/DEC/CRP.2, dated 14 September 2009). U.S. support for a recommendation for the Category 1 CW destruction deadline is linked to Libya fully implementing the transparency measures previously defined (Ref B). The U.S. concerns about Libya's lack of transparency also have been expressed by other States Parties, including the UK, whose delegation is expected to engage the Libyan delegation with specific metrics for full transparency that parallels the U.S. position. Del should not initiate discussion of the need for transparency in open debate or in discussions on the margins, but as appropriate and in continued private coordination with the UK, support the need for full transparency on the progress in preparing for CW destruction (status of construction of the CW Rabta Toxic Chemicals Destruction Facility) and the basis for the revised destruction deadlines, as well as on the Rabta 1 and Rabta 2 conversion. Del may join consensus to approve a recommendation.

¶12. (U) Further to a decision by the CSP at its Eleventh Session (C-11/DEC.17, dated 8 December 2006), the EC is requested to consider and note a national paper by the United States of America on the status of its destruction activities (EC-58/NAT.3, dated 17 July 2009). No substantive action is required. See paragraph 13 (below) for additional guidance that Del may deploy if necessary.

¶13. (U) Further to considering this issue at its previous session, the EC is requested to consider and note the report on the visit by the EC Chairperson and representatives of the EC to the Pueblo Chemical Agent Destruction Pilot Plant, Colorado, and to the Umatilla Chemical Agent Disposal Facility, Oregon, the United States of America (EC-57/12, dated 10 July 2009). Del guidance from EC-57 still applies for any discussion during the informals, during the EC, in EC Report language, and in any bilateral consultations (Ref A). For Del's convenience, the key elements are repeated below:

--Articulate a positive message by highlighting the successful elements of the U.S. chemical destruction program, the U.S. commitment to the CWC, and the Obama administration's commitment to examine all possible

options for accelerating CW destruction;
--Note that the projected dates for Pueblo and Blue Grass represent the current schedule and that the United States is actively reviewing options to accelerate our destruction activity.

--Avoid any statement that the United States expects to violate any of its CWC obligations or has abandoned attempts to meet the 2012 deadline;
--Make clear in consultations that the United States is, to the greatest possible extent, committed to proactive full disclosure, including schedule and cost data, and consultations with other parties;
--The United States is fully committed to meeting the objectives of the CWC, including verified destruction of 100 percent of its CW stockpile as rapidly as possible;
--The Obama Administration is fully committed to examining all possible options for accelerating CW destruction;
--On April 29, 2012, the United States is currently projected to have destroyed approximately ninety-percent of its CW stockpile, which means that seven of the original nine storage sites will have eliminated all of their chemical weapons leaving, under current projections, approximately eight percent at Pueblo, and approximately two percent at Blue Grass;
--Since 2006, the United States has found ways to accelerate its CW destruction program. We are exploring options to accelerate destruction at Pueblo and Blue Grass consistent with all of our CWC obligations, including complete destruction, the safety of people, and protection of the environment in light of national standards, technical limitations, and other requirements (e.g., Article IV, paragraph 10).

Del should work with the EC Chair and other key delegations to try and ensure that this report is not further deferred. The preferred outcome is for EC-58 to "note" the report. If necessary, Del may accept some formulation that the report was "received" or "distributed" to Council members if that will remove the report from the agenda.

South Africa has re-circulated its report language from July on the report of the visit. Del should ensure that all report language adopted for this agenda item is fully consistent with guidance in Ref A.

¶14. (U) Further to a decision by the CSP at its Eleventh Session (C-11/DEC.18, dated 8 December 2006), the EC is requested to consider and note a national paper by the Russian Federation on the status of its destruction activities (EC-58/P/NAT.1, dated 15 July 2009). No substantive action is required.

¶15. (U) Further to a decision by the EC at its Forty-Sixth Session (EC-46/DEC.4, dated 5 July 2006), the EC is requested to consider and note a national paper by China entitled "Report on the Status of Chemical Weapons Abandoned by Japan in China" (EC-58/NAT.1, dated 14 July 2009). The EC is also requested to consider and note a national paper by Japan entitled "The Report on the Current Status of the ACW Projects in China (Report Period: from 1 April to 30 June 2009)" (EC-58/NAT.2, dated 16 July 2009).
No substantive action is required.

--5(c): Supplement to the 2008 Verification Implementation Report--

¶16. (U) The EC is requested to consider and note the supplement to the 2008 Verification Implementation Report (VIR) (EC-58/HP/DG.1, dated 27 August 2009). The EC is also requested to note the comments and views received on the 2008 VIR (EC-57/HP/DG.2/Add.1, dated 4 August 2009), and a second corrigendum to the VIR (EC-57/HP/DG.1/Corr.2, dated 16 September 2009)). No substantive action is required.

--5(d): Status of implementation of Article VII--

¶17. (U) Further to a decision by the CSP at its Thirteenth Session regarding the implementation of Article VII obligations (C-13/DEC.7, dated 5 December 2008), the EC is requested to note a Note by the Director-General on the status of implementation of Article VII as at 19 August 2009 (EC-58/DG.5, dated 9 September 2009) and to submit the report to the CSP at its Fourteenth Session, along with its recommendations, as appropriate, for consideration. Del should encourage the continued focus on implementation of Article VII and may support EC decision language in support of Article VII and continued focus on implementation.

--5(e): Status of implementation of Article X--

¶18. (U) Further to considering this issue at its previous session, the EC is requested to consider and note a Note by the TS on the content of the assistance and protection data bank and its use (EC-57/S/3, dated 18 June 2009). No substantive action is required.

¶19. (U) At its Twelfth Session, the CSP requested the EC to conduct intensive deliberations to develop measures for emergency assistance to Member States including with regard to victims of chemical weapons, as provided in Article X of the Convention, and to report to the CSP at its Thirteenth Session, along with any appropriate recommendations (Para. 21.8 of C-12/7, dated 9 November 2007). Del should report back any outcomes of these deliberations for further discussion in Washington, and if necessary, additional guidance will be provided.

¶20. (U) At its Thirteenth Session, the CSP requested the EC to continue further intensive deliberation in line with the above-mentioned mandate given to it by the CSP at its Twelfth Session, and to report to the CSP at its Fourteenth Session (Para. 17.3 of C-13/5, dated 5 December 2008). No substantive action is required.

--5(f): Status of implementation of Article XI--

¶21. (U) At its Thirteenth Session, the CSP requested the EC to continue to work, pursuant to a previous decision to intensify consultations at regular intervals to develop concrete measures within an agreed framework to ensure the full implementation of Article XI, and to report back to the CSP at its Fourteenth Session for consideration (Para. 17.3 of C-13/5, dated 5 December 2008).

¶22. (U) At its previous session, the EC welcomed the appointment of Mr. Chen Kai of China as facilitator on this matter, and encouraged him to pursue informal consultations at an early date to explore all options to identify concrete measures for the full implementation of Article XI and to report to the EC at its next regular session on the progress made in this regard (Para 5.21 of EC-57/16, dated 17 July 2009). Mr. Chen's recent consultation showed a broad consensus among States Parties to call for an Article XI workshop. It is expected that the facilitator will introduce a draft decision in short and simple language with the intent of moving forward with such a workshop in 2010. The details are expected to be worked out later. The Delegation may join consensus on the draft language if it believes that such a workshop would be a genuine effort in support of Article XI and not a thinly veiled effort in order to attack the Australia Group or call for the Australia Group's abolishment.

--5(g): Progress made in the implementation of the action plan for the universality of the Convention--

¶23. (U) The EC at its Twenty-Third Meeting adopted an

action plan for the universality of the Convention (EC-M-23/DEC.3, dated 24 October 2003). The plan requested the Director-General, inter alia, to submit to the CSP at its regular sessions an annual report on the implementation of the action plan, and to keep the EC regularly informed, so that the CSP and the EC may review progress and monitor its implementation effectively.

¶24. (U) The EC is requested to consider and note the annual report on the implementation of the action plan for the universality of the Convention during the period from 19 November 2008 to 11 September 2009 (which is being submitted to both the EC and CSP) (EC-58/DG.9 C-14/DG.8, dated 29 September 2009). No substantive action is required.

--5(h): Industry cluster issues, including enhancement of OCPF declarations--

¶25. (U) Further to receiving at its Fifty-third Session both a Note by the TS on enhancing information on the characteristics of plant sites in other chemical production facility (OCPF) declarations (EC-53/S/5, dated 17 June 2008) and a Note by the Director-General concerning information on the enhancement of OCPF declarations (EC-53/DG.11, dated 17 June 2008), and having considered both Notes at its previous sessions, the EC, which has deferred this item five times, is requested to consider them further. No action is required on these two Notes. There has been no progress during the consultations on these two Notes since EC-57 and they were not on the agenda for the most recent Industry Cluster issues consultations (October 6, 2009). If needed, Del should draw from previous guidance, recent consultations, and the following additional points for comments:

-- For the TS Note on proposed requirements for additions to declaration information: The United States supports the TS in its continuing efforts to focus OCPF inspection efforts on sites of most relevance to the Convention. However, the information provided by the TS, including the information provided for the most recent (September 8, 2009) consultations, have not yet demonstrated that instituting the proposed changes to the declaration regime will provide significant benefits. The United States encourages the TS and States Parties to continue efforts to ensure that the proposed changes have a meaningful, beneficial impact on the inspection regime.

-- For the DG Note addressing voluntary actions by the TS and States Parties: The United States recognizes that some of the States Parties' voluntary actions will yield incremental, but undefined, improvements. The United States encourages the TS to work with States Parties to provide an assessment of the potential effect of these voluntary changes.

-- If raised by others, Del may support a suggestion that the TS continue its efforts to better focus OCPF inspections by working with States Parties in considering alternative approaches to those contained in the two Notes.

¶26. (U) Further to its consideration of this issue at its previous sessions, the EC, which has deferred this item three times, is requested to consider further and note the report by the Director-General on the performance of the modified methodology for the selection of OCPFs for inspection (EC-55/DG.8, dated 2 February 2009). As appropriate, Del should support noting of the report by restating the U.S. position that:

-- the report documents a demonstrable change in the distribution of numbers of inspections toward States

Parties with larger numbers of declared sites and an increase in the overall percentage of inspections at high or medium relevance facilities;

-- the number of inspections appear to be proportional to the number of facilities owned by a State Party (i.e., a State Party with a high number of declared OCPFs can typically expect to receive more OCPF inspections than a State Party with only a small number of OCPFs; and

-- the United States supports continued implementation of the modified methodology through 2009 and a reassessment of its impact after that time.

Additionally, Del should state that the United States wants to encourage OCPF selection methodology that fully implements the provisions of Paragraph 11 of Part IX of the Verification Annex to include proposals by States Parties.

--5(i): Timely submission of declarations under Article VI of the Convention--

¶27. (U) Further to considering this issue at its previous sessions, the EC is requested to note a Note by the TS on electronic submission of annual declarations on past activities as at 31 May 2009 (S/773/2009, dated 18 June 2009). No substantive action is required.

--5(j): Technical arrangement between the TS and designated laboratories concerning the procedures for off-site analysis of samples and for adherence to the requirements of the OPCW Confidentiality Regime--

¶28. (U) Further to considering this issue at its previous session, the EC is requested to consider and note a Note by the Director-General entitled the "Technical Arrangement between the Technical Secretariat and Designated Laboratories concerning the Procedures for Off-site Analysis of Samples and for Adherence to the Requirements of the OPCW Confidentiality Regime" (EC-57/DG.5, dated 3 June 2009). No substantive action is required though Del may support France (as during EC-57) in having this item deferred because the TS has been negotiating directly with designated labs on a case-by-case basis.

--5(k): Report by the Director-General on the readiness of the TS to conduct a challenge inspection--

¶29. (U) The EC is requested to note a Note by the Director-General on the update on the TS's readiness to conduct a challenge inspection (EC-58/DG.8, dated 28 September 2009). No substantive action is required.

Item 6: OPCW Central Analytical Database

¶30. (U) Further to considering this issue at its previous session, the EC is requested to note a Note by the TS on continued inclusion in the OPCW Central Analytical Database (OCAD) of analytical data for analytical derivatives of scheduled chemicals (EC-57/S/1, dated 11 June 2009). No substantive action is required. [Note: Paragraph 4 of the Note explains that the analytical derivatives are formed solely by the reactions of specific scheduled chemicals with derivatizing agents that are a part of the approved equipment list. The resulting derivatives can then be analyzed using approved equipment whereas the original scheduled chemicals could not be analyzed due to the lack of the capabilities of the approved equipment. This is a limited, but necessary, analytical function. End Note].

¶31. (U) The EC is requested to consider a Note by the

Director-General on the lists of validated data for approval by the EC for inclusion in the OCAD (EC-58/DG.4, dated 4 September 2009) and to approve a draft decision on the inclusion (ec-58/DEC/CRP.1, dated 10 September 2009). Del may join consensus to approve the draft decision.

Item 7: Administrative and financial issues

--7(a): Draft Program and Budget of the OPCW for 2010, and all items pertaining to this Budget--

¶32. (U) At its Fifty-Seventh Session the EC received the Draft Program and Budget of the OPCW for 2010 (EC-57/CRP.2, dated 7 July 2009), and agreed that consultations on it would continue during the intersessional period. In accordance with Article VIII, paragraph 32(a), of the Convention, the EC is requested to consider the Draft Program and Budget and to transmit it, together with its recommendation and any amendments it deems appropriate, to the Conference at its Fourteenth Session. Del may join consensus to transmit the draft budget to the CSP if it remains a zero-nominal growth budget, if the total number of inspections do not dip below the 2009 budget levels, and if there are no/no major revisions in substance (not including format).

¶33. (U) The Medium-Term Plan for the period from 2010 to 2012 (EC-57/S/8 C-14/S/1, dated 10 July 2009) was circulated to the members of the EC along with the Draft Program and Budget for 2010.

--7(b): OPCW income and expenditure for the financial year to 30 June 2009; and the cash situation and the use of the Working Capital Fund for the financial year to 31 August 2009--

¶34. (U) The EC is requested to consider and forward to the CSP at its Fourteenth Session a report by the Director-General on OPCW income and expenditure for the financial year to 30 June 2009 (EC-58/DG.2, dated 7 August 2009 and Corr. 1, dated 8 September 2009). No substantive action is required.

¶35. (U) The EC is requested to note a report by the Director-General on OPCW income and expenditure for the financial year to 30 September 2009. The official reference was not available to Washington in advance. However, we do not anticipate any problems with this document. Del should review the document upon release to ensure it is not problematic. If not problematic, Del may join consensus to note the report.

¶36. (U) The EC is also requested to consider and forward to the CSP at its Fourteenth Session a Note by the Director-General on the cash situation and the use of the Working Capital Fund for the financial year 31 August 2009 (EC-58/DG.6, dated 28 September 2009). No substantive action is required.

--7(c): Status of implementation by States Parties of agreed multi-year payment plans to regularize the payment of their outstanding annual contributions--

¶37. (U) Further to a decision of the CSP at its Eleventh Session (C-11/DEC.5, dated 7 December 2006), the EC is requested to consider and forward to the CSP at its Fourteenth Session, a Note by the Director-General on the status of implementation by States Parties of agreed multi-year payment plans (EC-58/DG.7, dated 28 September 2009). No substantive action is required.

--7(d): Report on the implementation of the policy on

tenure in 2008--

¶38. (U) Further to considering this issue at its previous session, the EC is requested to consider and note a report by the Director-General on the implementation of the tenure policy in 2008 (EC-57/DG.4, dated 3 June 2009). No substantive action is required.

--7(e): Adoption of the International Public Sector Accounting Standards--

¶39. (U) The EC is requested to note a Note by the Director-General on the adoption of the International Public Sector Accounting Standards (IPSAS) (EC-58/DG.3, dated 2 September 2009), and to approve a recommendation on it for consideration by the CSP at its Fourteenth Session (EC-58/DEC/CRP.3, dated 28 September 2009). Del may join consensus to note the Note and join consensus to approve the recommendation to send it to the CSP-14 for consideration.

Item 8: Report on the implementation in 2009 of the recommendations of the External Auditor

¶40. (U) The EC is requested to note a Note by the TS on the status of implementation of the recommendations of the External Auditor (EC-58/S/1, dated 27 August 2009). No substantive action is required.

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Item 9: Report of the Advisory Body on Administrative and Financial Matters

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¶41. (U) The EC is requested to consider and note the report of the Twenty-Seventh Session of the Advisory Body on Administrative and Financial Matters (ABAF), which took place from 31 August to 4 September 2009 (ABAF-27/1, dated 3 September 2009), and a Note by the Director-General containing comments on the report of the ABAF at that session (EC-58/DG.10, dated 1 October 2009). No substantive action is required.

¶42. (U) The EC is requested to note the resignation of Ms. Su-Jun Cho and Mr. Takayuki Kitagawa from the ABAF. No substantive action is required.

¶43. (U) The EC is requested to note a Note by the TS on the nominations for members of the ABAF (EC-58/S/3, dated 25 September 2009), and to approve the appointments of Mr. Yungjoon Jo and Ms. Sakiko Hayakawa. Del may join consensus to approve the appointments.

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Item 10: Enhancing the interaction between the Scientific Advisory Board and States Parties, as well as the policy-making organs

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¶44. (U) The EC is requested to consider and note a Note by the Director-General on possible ways of enhancing the interaction between the Scientific Advisory Board and States Parties, as well as the policy-making organs, making best use of governmental experts (EC-58/DG.1, dated 22 July 2009). No substantive action is required.

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Item 11: Draft report of the EC on the performance of its activities

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¶45. (U) The EC is requested to consider and approve its draft report on the performance of its activities in the period from 28 June 2008 to 17 July 2009 (EC-58/CRP.1, dated 31 July 2009), and to submit it to the CSP for consideration at its Fourteenth Session. Del may join consensus to approve the report and submit it to the CSP.

Item 12: Report by the Committee on Relations with the Host Country

¶46. (U) At its Eleventh Session the CSP adopted a decision establishing a Committee on Relations with the Host Country (C-11/DEC.9, dated 7 December 2006). The EC is requested to consider and note a report by the Committee on Relations with the Host Country on the performance of its activities in 2009 and to submit it to the CSP for consideration at its Fourteenth Session. The official reference was not available to Washington in advance. However, we do not anticipate any problems with this document. Del should review the document upon release to ensure it is consistent with previous reports on this topic. If not problematic, Del may join consensus to note the Note.

Item 13: Appointment of the Director-General

¶47. (U) At the previous session of the EC, the Chairperson encouraged candidates and States Parties' representatives to continue to meet after the Fifty-Seventh Session of the EC in order to gain a better understanding both of the candidates' positions and the delegations' expectations.

¶48. (U) The EC at the same session noted the consultations undertaken by its Chairperson on issues related to the appointment of the Director-General and encouraged him to continue to carry them out, with the aim of reaching consensus on a candidate. The EC welcomed the commitment of the Chairperson to continue to engage in such consultations during the intersessional period, and requested him to keep interested delegations informed regarding the progress being made towards reaching consensus on a recommendation by the EC at its Fifty-Eighth Session, to be submitted to the CSP at its Fourteenth Session, for the appointment of a candidate to the position of Director-General.

¶49. (U) The EC also considered and took note of a statement by the Chairperson (EC-57/15, dated 16 July 2009), containing a road map for the appointment of the position of Director-General.

¶50. (U) Specific guidance for the Delegation on this topic will be provided SepTel.

Item 14: Any Other Business

¶51. (U) Following the established practice, the EC is requested to consider and approve an addendum to the report by the Director-General on the credentials of representatives of members of the EC (Official Reference number). Del should take note of those States Parties (if any) that do not have an accredited EC representative. This would impact on those situations requiring the EC to vote. Del may join consensus to approve the addendum to the report.

¶52. (U) Security and Destruction of Chemical Weapons in Situation not foreseen by the CWC: South Africa

proposed that this item be added to the EC-58 agenda (EC-58/2, dated 1 October 2009). It stems from EC-57 where South Africa expressed concern about the security and destruction of chemical weapons in a conflict situation involving a non-State Party (e.g., recovered CW munitions in Iraq). Following statements by the United States and the UK, the EC (EC-57/16, paragraph 17) decided to encourage interested States Parties to consult on the matter, as appropriate, in a timely fashion as an alternative to a more formal structure.

-- South Africa broadly circulated proposed EC-58 report language (dated September 29, 2009) that calls for establishing an open-ended working group (OEWG) "to develop guidelines for the security and destruction of chemical weapons that come into possession and/or control of a State Party or States Parties in situations not foreseen by the CWC, including in conflict situations and otherwise."

-- Del should work to prevent this item from being added to the EC agenda, including blocking adoption of the agenda, if necessary. This item is not ready for discussion before the EC. In exchange for keeping the item off of the agenda, Del may agree to a meeting that includes more delegations than the United States, the UK, and the RSA (as long as it is not an OEWG). The meeting should have a well-defined set of objectives, a draft discussion paper agreed to by the United States, the UK and the RSA to better frame the discussion, and a clear and defined end-point.

-- Del should seek to coordinate with the UK delegation in advance of any meetings on this subject. In meetings with RSA and other interested delegations, Del should adhere to the following guidelines:

a.) In general, the RSA proposal goes way beyond what the United States is willing to consider. Proposals or EC report language of potentially unlimited scope such as "future situations that are not foreseen by the Convention" are too broad and not acceptable.

b.) Establishment of an undefined, open-ended OEWG is premature and the United States cannot agree to such a proposal.

c.) Any proposals, language, or report language should be limited to munitions recovered from a non-State Party under conditions in which hostilities have commenced or are imminent.

d.) Ideas are welcome on the development of guidelines or best practices that are specifically tailored for chemical weapons that are recovered in areas of conflict (as was the case in Iraq). Such guidelines or best practices could include measures that ensure the safety and security of the recovered chemical weapons from the battlefield, reasonable timelines for reporting such recovered chemical weapons to the OPCW, and possible transparency measures demonstrating to the extent practical the destruction of the CW (e.g., photos, videos, etc.) if such weapons are quickly destroyed due to safety and security concerns.

e.) The guidelines or any report language should not include open-ended situations (such as recovered CW from collapsed states, interdiction operations, etc.).

f.) Any proposals, report language, etc., should "look forward" and "not backwards." If delegations raise questions on Iraq and question U.S. actions regarding recovered munitions, Del may utilize previously cleared talking points.

¶53. (U) Brazilian Proposal for sub-item 5(b): Brazil has circulated report language on "Progress made in meeting revised deadlines for the destruction of chemical weapons." Brazil is seeking report language instructing the Chairman to "engage in informal consultations with all interested delegations on how and when to initiate formal deliberations by the EC about the feasibility of the revised deadlines of 2012 being met by possessor States, and to report to the EC at its

next session." Del should seek to change "formal deliberations" to "consultations" or something similar. Del should also seek an understanding from Brazil and the Chairman that such discussions will not be held in 2009 (it's too early) and that sometime in mid-2010 may be more appropriate. With these changes, Del may support such a proposal.

¶54. (U) Donor's Meeting: The United States is interested in having the Iraqis give a presentation on their CW-related assistance requirements to the Donor's Group at EC-60. The U.S. should propose inviting the Government of Iraq to present at the next Donors Meeting in spring 2010. This should be done at the October Donors Meeting to gauge interest and solicit support. On the margins, Del should try to determine UK's (or another country's) interest in facilitating.
CLINTON